

MEMORANDUM

DATE: May 1, 2007

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: H.B. 94 [Adult Correction Healthcare Review Committee]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 94 which creates the Adult Correction Healthcare Review Committee. As background, the U.S. Department of Justice documented significant inadequacies within the Delaware Department of Correction's (DOC's) healthcare system last year. Legislation was introduced in 2006 to require an assessment by the Chief Medical Examiner of all inmate deaths. However, the legislation (S.B. 306) was not enacted. This bill is more comprehensive in scope. It would establish an independent committee comprised of nominees from several organizations. See proposed §8905A(a). It would have eight (8) functions listed in proposed §8905A(b). It would review medical records of inmate deaths, review the quality of healthcare within the DOC system, preside over second-level inmate healthcare grievances, and review health-related reports and statistics. The committee would submit an annual report to the Legislature and Governor. SCPD endorses the proposed legislation subject to the following amendments.

First, proposed §8905A(b)(1) could be improved. It literally authorizes reviews of "inmates who have died while incarcerated". This would not cover inmates who are transferred "near death" to a hospital and then die in the ambulance or hospital. SCPD recommends that the following be added after the words "while incarcerated": "or within ten days of transfer to a hospital or medical facility".

Second, there is some "tension" between characterizing the Committee as solely an advisor to the DOC Commissioner [§8905A(b)] and some duties, including "presiding" over grievances [§8509A(b)(3)] and submitting an annual report to the Governor and Legislature [§8905A(f)]. Consider amending §8905A(b) as follows: "The Committee serves in both a complementary and advisory capacity to the Commissioner of the Department of Correction..."

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or recommendations for amendments on the proposed legislation.

cc: The Honorable Ruth Ann Minner
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

Hb94 doc committee 5-07.doc